

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
AT DAYTON**

JOSEPH GUGLIELMO	:	Case No. 3:17-cv-6
	:	
Plaintiff,	:	
	:	Judge Thomas M. Rose
vs.	:	
	:	
	:	
MONTGOMERY COUNTY, OHIO and THE MONTGOMERY COUNTY BOARD OF COMMISSIONERS, et al.,	:	<u>PROPOSED JOINT FINAL PRETRIAL ORDER</u>
	:	
Defendants.	:	

This action came before the Court at a final pretrial conference held on May 16, 2019, at 1:30 p.m., pursuant to Rule 16, Federal Rules of Civil Procedure.

I. APPEARANCES:

For Plaintiff: Jennifer L. Branch, Douglas Brannon, Nathan Stuckey

For Defendants: Keith Hansbrough; Jillian Dinehart

II. NATURE OF ACTION AND JURISDICTION:

- A. This is an action for compensatory and punitive damages.
- B. The jurisdiction of the Court is invoked under Title 42 United States Code, Section 1983.
- C. The subject matter jurisdiction of the Court is not disputed.

III. TRIAL INFORMATION:

- A. The estimated length of trial is 12 days.
- B. Trial to Jury has been set for June 17, 2019.

IV. AGREED STATEMENTS AND LISTS:

A. General Nature of the Claims of the Parties:

(1) PLAINTIFF CLAIMS:

Plaintiff asserts in Count 1 a right of recovery for defendants' violations of his Constitutional right to be free from excessive force under the Fourteenth Amendment. He claims the following violations:

- Defendant Matthew Snyder used excessive force and proximately caused serious debilitating injuries
- Defendants Zachary Zink, Brandon Ort, and Matthew Sears failed to intervene and protect Plaintiff from Defendant Snyder's use of excessive force consequently causing his injuries
- Defendant Matthew Snyder acted with deliberate indifference to Plaintiff's serious medical needs
- Defendant Montgomery County caused Plaintiff's injuries by its custom and practice of permitting excessive force to be used in the jail, and by ratifying Defendant Snyder's use of excessive force.

Plaintiff asserts a right to punitive damages against the individual defendants in this action (not Montgomery County).

Plaintiff asserts a right to attorney fees and costs under 42 U.S.C. § 1988 provided he is the prevailing party.

(2) DEFENDANTS CLAIMS:

Defendant denies liability and damages as asserted below:

- Defendant Snyder's use of force was not excessive
- Defendant Snyder acted in self-defense
- Defendant Snyder acted in good faith
- Defendants Zink, Ort, and Sears did not have the opportunity to intervene even if there was a constitutional violation
- Defendant Snyder sought medical assistance for Plaintiff and therefore was not deliberately indifferent
- Defendant Snyder could not have appreciated that Mr. Guglielmo had a serious injury after the use of force
- Defendant Montgomery County does not have a custom or practice of permitting excessive force and did not ratify any use of excessive force

Defendant as an affirmative defense asserts:

- Defendants are entitled to qualified immunity
- Defendants were not the proximate cause of the injury
- Defendants dispute Plaintiff's alleged damages
- Defendants did not commit any constitutional violation
- Defendant Snyder acted in self-defense

- Defendant Snyder acted in good faith

B. Uncontroverted Facts

The following facts are established by admissions in the pleadings or by stipulations of counsel:

- (1) On January 15, 2015, the date Mr. Guglielmo was booked into the Montgomery County Jail, Matthew Snyder was a sergeant in the Montgomery County Jail.
- (2) He was the first shift booking sergeant, meaning he supervised the first floor of the jail from 11:30 p.m. until 7:30 a.m.
- (3) On January 15, 2015, at approximately 2:30 a.m., Plaintiff Joseph Guglielmo was booked into the Montgomery County Jail.
- (4) Mr. Guglielmo was moved to general population later that morning.
- (5) That night, while in general population, Mr. Guglielmo was being disruptive.
- (6) Jail personnel decided to move Mr. Guglielmo from general population to a cell in the area of the jail called transport staging.
- (7) Transport staging is on the first floor. Transport staging is used to temporarily hold inmates being transported out of the jail, but it also has other uses, including temporarily holding inmates who cause a disturbance in general population.
- (8) Mr. Guglielmo was placed in transport staging cell number 114 at approximately 10:30 p.m. on January 15, 2015. He was the only inmate in the cell.
- (9) At approximately 11:30 p.m., Sgt. Snyder was leading roll call on an area of the first floor of the jail called the platform.
- (10) While Sgt. Snyder was leading roll call, Mr. Guglielmo was banging on his cell door.
- (11) After roll call, Sgt. Snyder asked five officers to accompany him to Mr. Guglielmo's cell.
- (12) Those officers were Defendants Zachary Zink, Brandon Ort, and Matthew Sears, and non-party officers Kyle Chmiel and David Cohn.
- (13) Before arriving at the cell, Sgt. Snyder learned from officers who had interacted with Mr. Guglielmo earlier that Mr. Guglielmo was requesting medication.
- (14) When the officers arrived at Mr. Guglielmo's cell, Sgt. Snyder told him to stop banging, and Mr. Guglielmo stopped banging.
- (15) Sgt. Snyder then ordered Mr. Guglielmo to back away from the door and Mr. Guglielmo backed away from the door.
- (16) Then Sgt. Snyder ordered Officer Zink to open the cell door, and Officer Zink opened the door.
- (17) Sgt. Snyder entered the cell along with Officers Zink and Ort.
- (18) Once inside the cell, Sgt. Snyder told Mr. Guglielmo to sit on a bench in the cell and Mr. Guglielmo sat on the bench.
- (19) Sgt. Snyder and Mr. Guglielmo spoke to each other during which time Mr. Guglielmo expressed that he would like his prescription medicine and to go to the V.A. Medical Center.
- (20) During their discussion, Sgt. Snyder used the word faggot.
- (21) Mr. Guglielmo stood up from his seat and said, "I'm not a faggot."
- (22) Sgt. Snyder used force on Mr. Guglielmo.
- (23) During the use of force, Sgt. Snyder struck Mr. Guglielmo in the body and head.

- (24) After the use of force Sgt. Snyder, and officers Zink, Ort, and Sears left the cell.
- (25) Mr. Guglielmo has no recollection of the events that occurred in the cell.
- (26) When the officers left the cell, Mr. Guglielmo's face was swollen, he was bleeding, and he was crying.
- (27) Mr. Guglielmo did not injure Sgt. Snyder prior to or during the use of force.
- (28) Mr. Guglielmo was seen by medical staff after the use of force.
- (29) Mr. Guglielmo was moved by medical staff to an observation cell where he could be watched more closely. Approximately 40 minutes after the use of force, corrections officers entered Mr. Guglielmo's cell and he was unresponsive.
- (30) Mr. Guglielmo has no memory or recollection of the medical care he received in the Montgomery County Jail.
- (31) An emergency squad was summoned, and Mr. Guglielmo was taken to the hospital.
- (32) Upon arrival at the hospital, Mr. Guglielmo was diagnosed with a large subdural hematoma. He underwent an emergency craniotomy.
- (33) Mr. Guglielmo also had multiple facial fractures on the left side of his face, which were partially repaired surgically.
- (34) Mr. Guglielmo remained comatose for weeks.
- (35) Mr. Guglielmo has no memories from when he was booked into the jail until he woke up from his coma.
- (36) Mr. Guglielmo is now wheelchair bound. He resides in a nursing home in Florida, close to where his mother and sister live.

C. Issues of Fact and Law

CONTESTED ISSUES OF FACT: The contested issues of fact remaining for decision are:

- (1) The severity of Sgt. Snyder's use of force.
- (2) What Mr. Guglielmo did and how he was positioned during the use of force.
- (3) Whether Mr. Guglielmo posed a threat to Sgt. Snyder.
- (4) Whether any threat posed by Mr. Guglielmo was significant enough to justify blows to his head.
- (5) Whether officers Zink, Ort, or Sears had an opportunity to intervene and stop the use of force.
- (6) The number of blows Sgt. Snyder used on Mr. Guglielmo.
- (7) The timeframe during which the use of force occurred.
- (8) Whether Sgt. Snyder knew Mr. Guglielmo was injured and /or seriously injured because of the use of force.
- (9) When and how Sgt. Snyder notified medical staff about Mr. Guglielmo's need for medical care.
- (10) Whether Sgt. Snyder delayed and/or intentionally delayed the delivery of medical care to Mr. Guglielmo by not telling medical staff about the use of force.
- (11) Whether Sgt. Snyder used excessive force on Mr. Guglielmo.
- (12) Whether Mr. Guglielmo was voluntarily banging his own head on the cell door or on items within the cell.
- (13) Whether Sgt. Snyder had a pattern of using excessive force on inmates only because they were banging on their cell doors.

- (14) Whether that pattern was known and permitted by Montgomery County.
- (15) Whether Montgomery County had a custom and practice of allowing excessive force to be used in the Montgomery County Jail.
- (16) Whether Montgomery County ratified Sgt. Snyder's use of excessive force.
- (17) Mr. Guglielmo's current physical and mental limitations and damages.
- (18) The cause of Mr. Guglielmo's damages.
- (19) The cost of Mr. Guglielmo's ongoing medical needs as a result of his injuries.

CONTESTED ISSUES OF LAW: The parties disagree on whether the following facts should be presented to the jury or excluded. Motions in limine on these issues may be filed:

- (1) Testimony that Sgt. Snyder threatened to beat Mr. Guglielmo's ass prior to going to his cell.
- (2) Argument that the inference can be drawn that Sgt. Snyder called Mr. Guglielmo a faggot prior to the use of force.
- (3) The injuries Mr. Guglielmo suffered during his arrest.
- (4) Testimony that Mr. Guglielmo used the word nigger at the homeless shelter prior to his arrest.
- (5) Argument that Mr. Guglielmo voluntarily banged his head on the cell door or items within the cell.

D. Witnesses

- (1) Plaintiff will call or will have available for testimony at trial those witnesses listed in Appendix A hereof.
- (2) Defendant will call or will have available for testimony at trial those Witnesses listed on Appendix B hereof.
- (3) The parties reserve the right to call rebuttal witnesses whose testimony could not reasonably be anticipated without prior notice to opposing counsel.

E. Expert Witnesses

Parties are limited to the following number of expert witnesses, including treating physicians, whose names have been disclosed and reports furnished to the other side:

Plaintiff: 10

Defendants: 6

F. Exhibits

The parties will offer as exhibits those items listed herein and numbered with Arabic numerals as follows:

- (1) Joint Exhibits -- Appendix D (marked "JX ____")
- (2) Plaintiff Exhibits Appendix E (marked "PX ____")
- (3) Defendant Exhibits Appendix F (marked "DX ____")

INSTRUCTIONS:

The above exhibits will be deposited with the Court's Deputy Clerk not later than 4:00 p.m. on the third working day prior to trial. The parties will exchange exhibits on or before June 10, 2019.

See General Order Number One section on preparation of exhibits.

G. Depositions

The parties anticipate that some expert and medical witnesses may want to testify by video or remotely. The parties would like to know the Court's practice concerning remote and video testimony.

H. Discovery

Discovery has been completed.

I. Pending Motions

The following motions are pending at this time:

RE 123 - Defendants' Motion for Summary Judgment

RE 139 – Defense Motion in Limine to Exclude Testimony and Report of Michael Berg

RE 140 – Defense Motion in Limine to Exclude Testimony and Report of Alan Waldman

RE 141 – Defense Motion in Limine to Exclude Testimony and Report of Paul Gabriel

Motions in limine may be filed contemporaneously with this final pretrial order.

J. Miscellaneous orders

The parties must submit an agreed statement of the case not later than one week before trial.

All attorneys who will participate in trying the case are required to be present at the final pretrial conference. No attorney who has not participated in the final pretrial conference may participate in the trial without Court permission.

V. MODIFICATION

This final pretrial order may be modified at the trial of this action, or prior thereto, to prevent manifest injustice. Such modification may be made by application of counsel, or on motion of the Court.

VI. SETTLEMENT EFFORTS

The parties agreed to schedule a private mediation in August 2017, at expense to each party. Plaintiff made a settlement demand prior to the mediation in July 2017. The Defendants rescheduled the mediation to October 2017 but then canceled the mediation the week prior so

discovery could be conducted first. After fact discovery closed, in April 2018, Plaintiff issued an updated demand. After summary judgment was briefed and the Motion to Extend the Deposition Cut-Off was denied, Defendants made an offer. Plaintiffs have not responded. A private mediation is scheduled for May 10, 2019.

VII. TRIAL TO A JURY

The parties will submit proposed jury instructions on or before June 10, 2019 as required by General Order Number One.

IT IS SO ORDERED.

Judge Thomas M. Rose
United States District Court

/s/ Jennifer L. Branch
Jennifer L. Branch
Trial Attorney for Plaintiff

s/ Keith Hansbrough
Keith Hansbrough
Trial Attorney for Defendants

APPENDIX A
PLAINTIFF'S WITNESS LIST

	Witness	Expected Testimony
1	Matthew Snyder	Will testify to use of force and surrounding events.
2	Matthew Sears	Will testify to use of force and surrounding events.
3	Zachary Zink	Will testify to use of force and surrounding events.
4	Brandon Ort	Will testify to use of force and surrounding events.
5	Kyle Chmiel	Will testify to use of force and surrounding events.
6	David Cohn	Will testify to use of force and surrounding events.
7	Richard Whalen	Will testify to events leading up to use of force.
8	Jerrid Campbell	Will testify to events leading up to use of force
9	Jay Vitali	Will testify regarding Snyder's practices in jail.
10	Thomas Feehan	Will testify to surrounding events of use of force.
11	Eric Banks	Will testify to surrounding events of use of force, and Montgomery County customs and practices.
12	Gregory Mills	Will testify to surrounding events of use of force.
13	Scott Landis	Will testify to surrounding events of use of force, and the internal investigation.
14	Bryan Cavender	Will testify to internal investigation of use of force.
15	Phil Plummer	Will testify to custom and practices in Montgomery County Jail.
16	Dr. Jeremy Traylor	Will testify to causation of injuries.
17	Dr. Bethel Raore	Will testify to damages and causation of injuries.
18	Dr. Matthew Fox	Will testify to damages and causation of injuries.
19	Dr. Paul Gabriel	Will testify to causation of injuries.
20	Dr. Alan Waldman	Will testify to causation and extent of injuries.
21	Dr. Michael Pedoto	Will testify to medical appropriateness of lifecare plan.
22	Dr. Patricia Brock	Will testify to lifecare plan.
23	Dr. Radharani Gollamudi	Will testify to current medical condition of Plaintiff.
24	Angela Beech	Will testify to current medical condition of Plaintiff
25	Michael Berg	Will testify as expert in corrections on liability issues.
26	Joseph Guglielmo	Will testify to injuries, and the events to the extent he can.
27	Brandon Madison	Will testify to damages.
28	Jacquelin Guglielmo	Will testify to damages.
29	Nakira Hedges	Will testify to damages
30	Tony Mullock	Will testify to damages
31	Jacqueline Guglielmo	Will testify to damages
32	Louis Aponte	Will testify to damages
33	Jack Saunders	Will testify to damages
34	Kimo Scott	Will testify to causation of damages
35	Michael Beane	Will testify to causation of damages
36	Zachary Banks	Will testify to causation of damages
37	Kevin Morris	Will testify to causation of damages

		Plaintiff reserves the right to re-order these witnesses to comply with the appearance schedule of witnesses and experts
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APPENDIX B
DEFENDANTS' WITNESS LIST

1.	Matthew Snyder	Will testify to use of force and surrounding events.
2.	Matthew Sears	Will testify to use of force and surrounding events.
3.	Zachary Zink	Will testify to use of force and surrounding events.
4.	Brandon Ort	Will testify to use of force and surrounding events.
5.	Kyle Chmiel	Will testify to use of force and surrounding events.
6.	David Cohn	Will testify to use of force and surrounding events.
7.	Richard Whalen	Will testify to events leading up to use of force.
8.	Jerrid Campbell	Will testify to events leading up to use of force
9.	Jay Vitali	Will testify to events leading up to use of force.
10.	Thomas Feehan	Will testify to surrounding events of use of force.
11.	Eric Banks	Will testify to surrounding events of use of force
12.	Gregory Mills	Will testify to surrounding events of use of force and provision of medical care.
13.	Scott Landis	Will testify to surrounding events of use of force, and the internal investigation.
14.	Bryan Cavender	Will testify to internal investigation of use of force.
15.	Phil Plummer	Will testify to custom and practices in Montgomery County Jail.
16.	Ransley Creech	Will testify to custom and practices in Montgomery County Jail
17.	Doug Brannon	Will testify to relationship with Ransley Creech and Eric Banks
18.	Kimo Scott	Will testify to prior altercation
19.	Kevin Morris	Will testify to prior altercation
20.	Benjamin Cooper	Will testify to use of force and surrounding events
21.	Raymond Taylor	Will testify to provision of medical care
22.	Tammy Pless	Will testify to provision of medical care
23.	Anthony Jones	Will testify to provision of medical care and the custom and practices in Montgomery County Jail
24.	Jack Saunders	Will testify to provision of medical care
25.	Jeff Eiser	Will give expert testimony regarding use of force
26.	David Axelrod	Will give expert testimony regarding life expectancy
27.	Charles Lanzieri	Will give expert testimony regarding brain injuries
28.	David Herring	Will give expert testimony regarding the real estate market in Florida
29.	Craig Ruby	Will give expert testimony regarding physical therapy
30.	Richard Clarke	Will give expert testimony regarding correctional medicine
31.	Joseph Guglielmo	Will testify to use of force and damages.
32.	Jacquelin Guglielmo	Will testify to damages
33.	Dustin Daugherty	Will testify to prior altercation and arrest
34.	Michael Beane	Will testify to prior altercation and arrest
35.	Zachary Banks	Will testify to prior altercation and arrest
36.	Jeremy Traylor	Will testify to prior head injury
37.	Alan Waldman	Will testify to causation and mechanism of injury (subject to <i>Daubert</i> challenge)
38.		Defendants reserve the right to call all of Plaintiff's witnesses on rebuttal and reserve the right to re-order these witnesses to comply with the appearance schedule of witnesses and experts

APPENDIX D
JOINT EXHIBIT LIST

Number	Description	Deponent	Bates
JX1	Video (Release Counter Cam 7, Transport Staging Cam 11, Transport Staging Cam 12, Post Book Cam 11, Dress in Hall Cam 1, Elevator Dress In Cam 2)	Snyder, Sears, Ort, Cohn, Zink, Mills	
JX2	NaphCare Jail Medical Records	Mills, Saunders, Taylor, Jones, Pless	GB000042-57
JX3	Jail Line-Up 1 st Watch 1/16/2015	Snyder, Sears, Ort, Cohn, Cooper, Zink, Whalen, Vitali, Banks, Campbell, Feehan, Mills, Saunders, Taylor, Jones	MC-000164
JX4	Jail Line-Up 3 rd Watch 1/15/2015	Snyder, Sears, Ort, Cohn, Cooper, Zink, Whalen, Vitali, Banks, Campbell, Feehan, Mills, Saunders, Taylor, Jones	MC-000167
JX5	Policy—Security Control	Cooper, Snyder, Sears, Ort, Cohn, Zink, Whalen, Vitali, Banks, Campbell, Feehan	MC-000757-759
JX6	Incident Report No. 15-79	Snyder, Sears, Cooper, Ort, Cohn, Zink, Mills, Saunders	GB 000028-000033
JX7	ISU Report No. 15-005	Cavender, Snyder, Sears, Ort, Cohn, Feehan, Mills	MC000089-0000112
JX8	Policy-First Floor Supervision	Snyder, Cohn, Ort, Cooper,	MC0000846-0000848

Number	Description	Deponent	Bates
		Zink, Sears, Plummer	
JX9	Policy-Special Management	Snyder, Cohn, Cooper, Ort, Zink, Sears, Plummer	MC000912-0000918
JX10	Policy-Use of Force	Snyder, Cohn, Cooper, Ort, Zink, Sears, Plummer	MC0000777-781
JX11	Policy-Security Equipment	Snyder, Cohn, Cooper, Ort, Zink, Sears, Plummer	MC0000772-776
JX12	C.O. Position Description	Snyder, Cohn, Cooper, Ort, Zink, Sears, Plummer	MC00055
JX13	Photo Injury at Arrest	Daugherty, Z. Banks, Beane	Depo Ex. 29
JX14	Photo Injury at Arrest Close-Up	Daugherty, Z. Banks, Beane	Depo Ex. 30
JX15	DPD Arrest Report	Daugherty, Z. Banks, Beane	Depo Ex. 36
JX16	DPD Injured Subject Report	Daugherty, Z. Banks, Beane	Depo Ex. 37
JX17	DPD Screenshot	Daugherty, Z. Banks, Beane	Depo Ex. 38
JX18	Photo-Cell	Snyder, Zink, Cohn, Cooper, Ort, Sears	Depo Ex. 42
JX19	Photo-Cell Bench	Snyder, Zink, Cohn, Cooper, Ort, Sears	Depo Ex. 43
JX20	View of Platform Window from Cell	Snyder, Zink, Cohn, Cooper, Ort, Sears, Plummer	Depo Ex. 44
JX21	Dayton Fire/EMS Run Report		GB000058-000060
JX22	MCSO Use of Force Policy	Snyder, Zink, Cohn, Cooper, Ort, Sears, Plummer	MC001097-001117
JX23	Cell Movement Note in Tiburon System	Snyder, Zink, Cohn, Cooper,	Depo Ex. 68

Number	Description	Deponent	Bates
		Ort, Sears, Plummer, Whalen, Vitali	
JX24	Use of Force Report Incident 15-79	Snyder	MC00001
JX25	NaphCare Medical Progress Notes	Mills, Saunders, Pless, Taylor, Jones	GB000055-56
JX26	Grandview ER Records	Traylor	GB000061-000085
JX27	Grandview Discharge Records	Traylor	GB000033-000037
JX28	Pless Note in Tiburon System	Pless	Pless Depo Ex 78
JX29	Medical Imaging from Miami Valley Hospital	Raore	
JX30	Miami Valley Medical Records	Raore	GB000086-0000259
JX31	Booking Slip		GB00000693
JX32	Computer Logs		MC004670-4726
JX33	Jail First Floor Plan		MC008181
JX34	ISU Signature Form	Plummer, Cavender, Landis, Snyder	MC4849

APPENDIX E
PLAINTIFF'S EXHIBIT LIST

Number	Description	Bates
PX1	Sears Cell Drawing	Depo. Ex. 3
PX2	Video (Cam 1, Cam 2, Cam 7, Cam 11 (4), Cam 12)	Depo. Ex. 4 (GB000783-789, 823-824)
PX3	Sears Interview Transcript	Depo. Ex. 6
PX4	Sears – Oath	MC-000467
PX5	Sears Position Description	MC-000461
PX6	Cohn Drawing of Cell	Depo. Ex. 13
PX7	Cohn Transcript of Interview	Depo. Ex. 15
PX8	Zink Resignation Letter	MC-000542
PX9	Use of Force on Whitaker (5/29/2014) - Zink/Snyder	MC-004654-004669
PX10	Zink Drawing of Cell	Depo Ex. 20
PX11	Zink Performance Eval	MC-000558
PX12	Release of Info transfer to Fairborn	MC-000543
PX13	Ort Letter of Caution	MC-000207
PX14	Ort Drawing of Cell	Depo Ex. 24
PX15	Ort Interview Transcript	Depo Ex. 25
PX16	Use of Force Report - Middlebrook	MC-002910-002919
PX17	Incident Report - Jones	MC-002882-002885
PX18	Use of Force Report - Jones	MC-002888
PX19	Photo – neck brace at jail	Depo Ex. 31
PX20	Photo – jail injuries	Depo Ex. 32
PX21	Photo – hospital injuries	Depo Ex. 33
PX22	Photo – hospital injuries	Depo Ex. 34
PX23	Photo – Head injuries	Depo Ex. 35
PX24	Subpoena to Appear	Depo Ex. 39
PX25	Feehan Interview Transcript	Depo Ex. 40
PX26	Photo – Platform	Depo Ex. 45
PX27	Snyder Interview Transcript	Depo Ex. 47
PX28	Use of Force Incident Report – Hammad 11.13.13	MC-003857-003858
PX29	Use of Force Incident Report – Hammad 2.11.14	MC-004054-004057
PX30	Use of Force Incident Report – Rowe 3.5.14	MC-004059-004060
PX31	Use of Force Incident Report – McIntosh 11.15.13	MC0003860-003861
PX32	Snyder Oath of Office	MC-000328
PX33	Memo - Resignation of Sgt. Commission	MC-000233
PX34	Payroll Cut	MC-000232
PX35	Snyder EPIP – Balls in Crockpot	MC-000422
PX36	Letter of Reference – Wick	MC-000417
PX37	Letter of Reference – Woods	MC-000418
PX38	Job Application	MC-000404-000413
PX39	Performance Evaluation 1999	MC-000294-000295
PX40	Performance Evaluation 2001	MC-000278-000279

Number	Description	Bates
PX41	Performance Evaluation 2002	MC-000276-000277
PX42	Performance Evaluation 2005	MC-000270-000271
PX43	Performance Evaluation 2009	MC-000262-000263
PX44	Performance Evaluation 2010	MC-000260-000261
PX45	Performance Evaluation 2014	MC-000248-000249
PX46	Performance Evaluation 2015	MC-000244-000245
PX47	January 17, 2015 Roster	Depo Ex. 69
PX48	Landis Letter re Investigation	GB000351
PX49	Drawing of 1 st Floor	Depo Ex. 73
PX50	Brain Surgery Operative Notes	GB000156-000158
PX51	Facial Reconstruction Operative Notes	GB000153-000154
PX52	Swink video	
PX53	Nursing Home Karaoke Video	
PX54	Nursing Home Photos	GB3297-3306
PX55	Photos of Guglielmo	GB1907-1914
PX56	Photos of Guglielmo	GB1680-1689
PX57	Policy - First Floor Supervision	MC-000846-848
PX58	Rule 1006 Chart of Summary of Excessive Force	
PX59	Medical Billing Records	INSERT ALL BILLS
PX60	Pristine Senior Living Records	GB000825-1123
PX61	Deltona Nursing Home Records	GB001690-1831
PX62	Deltona Nursing Home Records	GB001945-3041
PX63	Deltona Nursing Home Records	GB003307-3363
PX64	Deltona Nursing Home Records	GB003307-3363
PX65	Swink Public Record Responses	GB003138-3139
PX66	Video of TS 114 from Jail Tour	
PX67	Video of Platform from Jail Tour	
PX68	Cohn 2012 Performance Evaluation	MC-000034-35
PX69	ISU Information Sheet	MC-004849
PX70	Plummer ISU Finding Letter	GB000003
PX71	MC DOJ Letter	GB001679
PX72	Nursing Home Calendar of Events	GB001945
PX73	Photos of Guglielmo and Jail	GB000261-271
PX74	Miami Valley Hosp. Bills	GB000652-672
PX75	Radiology Physicians Bills	GB000673-678
PX76	Kettering Radiologist Bill	GB000649
PX77	Dayton Fire/EMS Bills	GB1832-1833
PX78	Deltona Nursing Home Billing	GB001124-1147
PX79	Deltona Nursing Home Billing	GB003131-3137
PX80	Counseling Source Bills	GB001834-1835
PX81	Wright State Physician Bills	GB001898-1906
PX82	Halifax Hospital Bills	GB003488-3504
PX83	Fish Memorial Bills	GB003505-3513
PX84	Counseling Source Records	GB001836-1897

Number	Description	Bates
PX85	Sycamore Hospital Records	GB001678-1693
PX86	Deltona Nursing Home Records	GB003142-3296
PX87	Orlando VA Records	GB003042-3112
PX88	Halifax Medical Center Records	GB00364-3487
PX89	Fish Memorial Hospital Records	MC-005329-6056
PX90	Grandview Medical Release	GB000033-37
PX91	Snyder Email 1/16/15	GB000310
PX92	Snyder Email 1/17/15	GB000311
PX93	Guglielmo Booking Photo	GB000319
PX94	Matt Sears Internal Interview	GB000777
PX95	David Cohn Internal Interview	GB000778
PX96	Brandon Ort Internal Interview	GB000779
PX97	Matt Snyder Internal Interview	GB000780
PX98	Thomas Feehan Internal Interview	GB000781
PX99	Greg Mills Internal Interview	GB000782
PX100	Campbell Employee Complaint Form	GB000813-820
PX101	Cohn Use of Force	MC-002623-2833
PX102	Cooper Use of Force	MC-002834-3034
PX103	Ort Use of Force	MC-003035-3317
PX104	Sears Use of Force	MC-003318-3439
PX105	Snyder Use of Force	MC-003440-4653
PX106	Zink Use of Force	MC-004654-4669
PX107	Policy – Transfer to Housing	MC-000875-879

APPENDIX F
DEFENDANTS' EXHIBIT LIST

Number	Description	Bates
DX1	Deposition of Anthony Jones taken February 20, 2018	
DX2	Deposition of Anthony Molock taken January 30, 2018	
DX3	Deposition of Eric Banks taken March 2, 2018	
DX4	Deposition of Eric Banks taken November 15, 2017	
DX5	Deposition of Radharani Gollamudi taken January 31, 2018.	
DX6	Deposition of Greg Mills taken February 6, 2018.	
DX7	Deposition of Dustin Daugherty taken January 8, 2018	
DX8	Deposition of Jack Saunders taken February 20, 2018	
DX9	Deposition of Jacqueline Guglielmo taken January 30, 2018	
DX10	Deposition of Jeremy Traylor taken February 21, 2018	
DX11	Deposition of Kevin Morris taken November 17, 2017	
DX12	Deposition of Kimo Scott taken November 15, 2017	
DX13	Deposition of Luis Aponte taken January 29, 2018	
DX14	Deposition of Brandon Madison taken November 27, 2017	
DX15	Deposition of Michael Beane taken January 9, 2018	
DX16	Deposition of Nakira Hedges taken February 26, 2018	
DX17	Deposition of Raymond Taylor taken February 7, 2018	
DX18	Deposition of Tammy Pless taken February 21, 2018	
DX19	Deposition of Zachary Banks taken January 10, 2018	
DX20	City of Dayton Police Department Documents pertaining to January 15, 2015 arrest of Joseph Guglielmo	GB 000631-0000643
DX21	Dayton Police Department Narrative of Injuries and Arrest of Joseph Guglielmo from January 15, 2015	GB000001-000002; GB 0000644-0000645
DX22	Joseph Guglielmo January 15, 2015 Booking Photo into Montgomery County Jail	GB0000359
DX23	NaphCare Medical Records	GB0000042-000057; MC8181-8236
DX24	Booking Slip	GB0000769
DX25	Mugshot	GB0000693
DX26	Grandview Medical Records	MC4918-5046
DX27	Deposition of Michael Berg	
DX28	Booking Record	MC000019
DX29	Prisoner Handbook Receipt	MC000022
DX30	Deposition of Alan Waldman	
DX31	Deposition of Paul Gabriel	
DX32	Deposition of Patricia Brock	
DX33	Tiburon Screenshots	MC4670-4726
DX34	Montgomery County Jail Manual	MC705-1079
DX35	Montgomery County Sheriff's Office G.O.M.	MC1080-2091
DX36	NaphCare Contract	MC2092-2399
DX37	Employee Training Reports	MC2400-2429

DX38	Power DMS Screenshots of 2013 Phase 2	MC2430
DX39	Training Calendars	MC2431-2599
DX40	Users Training History	MC2600-2622
DX41	Joseph Guglielmo Fish Memorial Hospital Records	MC5047-6225
DX42	911 Call	GB000775-776
DX43	Deposition of Joseph Guglielmo	
DX44	Deposition of Jacqueline Guglielmo-Molock	
DX45	Grandview Medical Release	GB000033(b)-37
DX47	Orlando VA Medical Records	GB003042-003112; MC4850-4917
DX48	Halifax Hospital Records	GB3364-3487
DX50	Grandview Medical Release Paperwork	GB000770-774
DX57	Sycamore Hospital Records	GB0001678-001693
DX58	Dr. Melissa Whitmill Records	GB0001671-1677
DX59	Deltona NH Medical Records	GB1148-1670
DX60	Dayton Nursing Home Records	GB825-1123
DX61	Dayton Fire Dept. Billing	GB1832-1833